



Amendment Under 37 C.F.R. § 1.116
Expedited Procedure - Art Unit 1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WEI *et al.*

Appl. No. 09/826,212

Filed: April 5, 2001

For: **Tumor Necrosis Factor Receptor 5**

Confirmation No.: 3523

Art Unit: 1646

Examiner: O'Hara, Eileen

Atty. Docket:

1488.1280006/EKS/GLL/SJE

Amendment And Reply Under 37 C.F.R. § 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RECEIVED

Attn: Mail Stop AF

MAY 15 2003

TECH CENTER 1600/2900

In reply to the Office Action dated **March 11, 2003**, (PTO Prosecution File Wrapper Paper No. 12) and the Advisory Action dated **April 9, 2003** (PTO Prosecution File Wrapper Paper No. 15), Applicants submit the following Amendment and Remarks. This Amendment is provided in the following format:

- (A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;
- (B) Starting on a separate page, appropriate remarks and arguments. 37 C.F.R. § 1.121 and MPEP 714; and
- (C) Starting on a separate page, a marked-up version entitled: "Version with markings to show changes made."

16/D
MAY 13 2003
RECEIVED
TECH CENTER 1600/2900

O/K to enter
6/9/03
EPA

O/K to enter 6/9/03
EPA

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

Amendments

In the Claims:

Please substitute the following claims 118, 119, 152, 161, 169, 176, 184, 194, 198, 200, 202, 203 and 210 for pending claims 118, 119, 152, 161, 169, 176, 184, 194, 198, 200, 202, 203 and 210:

118. (Once amended) The polypeptide of claim 117, wherein said polypeptide further comprises amino acids -25 to 233 of SEQ ID NO:2.

D1

119. (Once amended) The polypeptide of claim 118, wherein said polypeptide further comprises amino acids -26 to 233 of SEQ ID NO:2.

D2

152. (Once amended) The isolated polypeptide of claim 151, comprising the amino acid sequence of the complete TNFR5 encoded by the cDNA clone contained in ATCC Deposit No. 97788.

AF/1646

**Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW

U.S. PATENT & TRADEMARK OFFICE
MAY 12 2003

Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Ray-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Lawrence B. Bugaisky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Heidi L. Kraus
Edward W. Yee
Albert L. Ferro
Donald R. Banowitz
Peter A. Jackman
Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Albert J. Fasulo II
Eldora Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaton

Kimberly N. Reddick
Theodore A. Wood
Elizabeth J. Haanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhulier
Rae Lynn Prengaman
Jane Shershenovich
Lawrence J. Carroll
George S. Bardmeyer
Daniel A. Klein
Rodney G. Maze
Jason D. Eisenberg
Michael A. Specht
Andrea J. Kamage
Tracy L. Muller
Jon E. Wright

LuAnne M. Yuricek*

Registered Patent Agents*

Karen R. Markowicz
Nancy J. Leith
Ann E. Summerfield
Helene C. Carlson
Gaby L. Longworth
Matthew J. Dowd
Aaron L. Schwartz
Angelique G. Uy
Mary B. Tung
Katrina Y. Pei
Bryan L. Skelton
Robert A. Schwartzman
John J. Figueroa
Timothy A. Doyle
Jennifer R. Mahalingappa

Teresa A. Cotella
Jeffrey S. Lundgren
Victoria S. Rutherford

Of Counsel
Kenneth C. Bass III
Lisa A. Dunner
Evan R. Smith

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

May 12, 2003

RECEIVED

WRITER'S DIRECT NUMBER:
(202) 772-8824

INTERNET ADDRESS:
GLONGS@SKGF.COM

MAY 19 2003

TECH CENTER 1600/2900

Art Unit 1646

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application
Appl. No. 09/826,212; Filed: April 5, 2001
For: **Tumor Necrosis Factor Receptor 5**
Inventors: Wei *et al.*
Our Ref: 1488.1280006/EKS/GLL/SJE

RECEIVED

MAY 15 2003

TECH CENTER 1600/2900

Sir:

In response to the Office Action dated March 11, 2003 and the Advisory Action dated April 9, 2003, transmitted herewith for appropriate action are the following documents:

1. Amendment and Reply Under 37 C.F.R. § 1.116; and
2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Gaby L. Longworth

Gaby L. Longworth
Agent for Applicants
Registration No. 47,756

EKS/GLL/SJE:krh

Enclosures

SKGF_DC1:132057.1